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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,122	03/15/2002	Dennis J. Argazzi	LC-325-PCT-US	8098

7590
Hoffmann & Baron
6900 Jericho Turnpike
Syosset, NY 11791

11/18/2004

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,122

Applicant(s)

ARGAZZI ET AL

Examiner

Umakant K. Rajguru

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. A response has been filed on August 03, 2004.
2. Claims being examined are still 1-30.
3. Rejection of claims 1-11 and 20 under 35 USC 102 (b) (please see item 2 of Office action of April 29, 2004) is now withdrawn following persuasive arguments from the applicants and amendment of claim 1.
4. Objection to only claim 12 (see item 7 of same Office action) is also withdrawn now. That to claim 19 is maintained.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-11 and 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark Jr et al (US 5272216).
7. Claims 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US 5272216) as applied to claims 11 above, and further in view of Takiyama et al (US 4814365).
8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US 5272216) as applied to claims 1 and 13 above, and further in view of Morita et al (US 6239245).
9. Claims 18 & 19 are rejected under 35 U.S.C. 103(a) being unpatentable over Clark et al (US 272216) in view of Tokiyama et al (US 4814365) as applied to claims 1 & 13 above, and further in view of Komitsu et al (US 6642309) (as applied to claim 18) and Morita et al (US 5691409) (as applied to claim 19).

Please see the same Office action for these rejections.

10. On page 8 of above paper, the applicants have referred to examples in Clark to argue that "Clark teaches away from using more than 0.66% by wt of micro wave absorbable particles". This argument is not convincing since examples are meant to illustrate the invention; they do not limit the scope of invention.

Clark teaches using those particles at 10% by wt (in col. 4, lines 63-65). Instant claim 1 requires that amount to be greater than 10% by wt. In col. 2, lines 34-37, Clark mentions that the said amount can be between about 0.1% to 10% by wt. This means that one of ordinary skill in art can use an amount of say 10.001% wt. Teachings of Clark therefore render instant claims prima facie obvious. Furthermore the applicants have provided no data to establish the criticality of using an amount of greater than 10% by wt.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

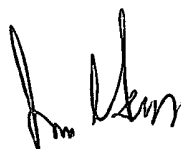
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



U. K. Rajguru
November 12, 2004



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700